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A change of custody

Young criminals, no longer wards of the state, soon will be remanded to their home counties for incarceration

By David Hasemyer

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Under a new California law, hundreds of young criminals who once were the state's responsibility will now be locked up or supervised in their home counties – and San Diego is among the many counties not yet prepared for the transition.

The youths, described by county officials as “criminally sophisticated and violent,” previously failed in local programs after being convicted of crimes such as assault, kidnapping or carjacking and were sent to state juvenile prisons as a last resort.

Now they are coming home to counties that have good intentions, but little in the way of new programs designed to rehabilitate them and ease them back into their communities.

The San Diego County Probation Department, which expects to have an extra 29 offenders in custody and 24 on probation by the end of the year, is scrambling to establish such programs, hire more officers and figure out how to monitor the youths once they are released from custody.

Although the state will provide millions in funding – \$1.4 million to San Diego County this year and \$6.3 million by 2010 – Sacramento has provided little direction on programs and even less oversight about how the money is spent.

Given the amount of funding, the county plans to house the offenders, most of whom are male and between the ages of 16 and 22, for a year on average – one-quarter of the usual sentence in state facilities.

The situation is raising alarms among law enforcement officials and community members who fear that many offenders will get into trouble again once they are released.

For now, San Diego County prosecutors are taking the extraordinary step of filing stiffer charges against some new offenders that require they be sentenced to a state facility, keeping them out of the county.

Karen Pank, executive director of the Chief Probation Officers of California, said it might take two years for counties to develop and implement plans to accommodate the young offenders being sent back to county custody.



PEGGY PEATTIE / Union-Tribune

Young offenders described as “criminally sophisticated and violent” now will be held at the East Mesa Detention Facility in Otay Mesa instead of being sent away to state juvenile prisons, under a legislative mandate to reduce the number of young people in state custody. East Mesa director Craig Stover (above) entered a passageway to the unit where those offenders will be housed.

By then, San Diego County estimates, it will be responsible for 80 young offenders either in custody or on probation.

"What is certain is we are getting these kids," said Presiding Juvenile Court Judge Susan Huguenor. "And the question becomes: What can we do to do a better job of meeting their needs now that we will be responsible?"

Don Specter, director of the Prison Law Office, a prisoner-rights group in San Francisco that forced the state to make its dramatic shift in policy, said he is concerned that counties won't provide the programs envisioned when the state began revamping its juvenile prison system.

"The idea was to get them away from the state system that has failed and to provide for some innovative programs," Specter said. "I'm not seeing a lot of that happening."

Closer to home

The legislative mandate for change can be traced to a 2004 consent decree in which a Superior Court judge ordered the state's Division of Juvenile Justice to improve programs, reduce violence and provide better mental-health services to youths in its custody.

Faced with the court order and under pressure from Specter's group, the state decided that all but the most violent young offenders would respond better to rehabilitation if they were closer to home.

Under a law that went into effect Sept. 1, juveniles who commit crimes such as assault, kidnapping and carjacking no longer will be accepted at state juvenile prisons. Only those who commit the most violent crimes, such as murder and rape, will remain with the state.

Juvenile prison officials had hoped to return many of the 933 eligible offenders to their home counties by the middle of this year, cutting the state's incarcerated population by one-third and allowing for the closure of two of eight juvenile prisons.

Counties have been slow to voluntarily take back offenders. Fewer than 10 inmates have been returned statewide, according to juvenile justice figures, and 156 have been sent back for probation supervision. San Diego County has called for the return of two offenders so far.

Counties had about six months' notice before the law took effect in September, though no state money was made available until this year. Officials across the state are rushing to come up with the right staffing and programs.

"It was shoved down on us without any time to prepare," said Virginia Snapp, deputy director of juvenile institutions for the Los Angeles County Probation Department. "Here they are coming back – boom, boom, boom – and we're thinking, 'What are we going to do?'"

The San Diego County Probation Department, which



PEGGY PEATTIE / Union-Tribune

Two probation officers stood watch over a juvenile inmate being held in administrative segregation at the East Mesa Detention Facility in Otay Mesa as he watched a video on tolerance as part of his rehabilitation program.



PEGGY PEATTIE / Union-Tribune

Young offenders lined up to be moved from East Mesa to a lower-security detention center. East Mesa has set aside a wing to house offenders who would have been sent to state prisons.

operates two juvenile halls and three minimum-security facilities for about 800 young offenders, initially opposed the transition, saying it didn't have "sufficient resources and staffing to supervise" the more difficult youths, according to documents obtained under the California Public Records Act.

The San Diego County Probation Department estimated it would cost \$137,422 a year for each such offender in its custody, but the state is reimbursing counties only \$116,747. The department calculated a need for 32 additional officers but has funding to hire only 24 the first year.

Still, Ann Sasaki-Madigan, the department's deputy chief for institutional services, said she is confident that the department is up to the task of housing and providing services for the young inmates.

"In comparison to other counties, we are one of the most – if not the most – prepared," Sasaki-Madigan said. "We will be giving these young people the best possible opportunity to succeed."

The county already has a name for its undertaking – Youthful Offender Unit, or YOU – and is sentencing offenders to the unit.



"In comparison to other counties, we are one of the most – if not the most – prepared."

ANN SASAKI-MADIGAN, San Diego County Probation Department deputy chief for institutional services

Still lacking are the staff and programs, though Sasaki-Madigan said those are just around the corner using the state's \$1.4million and per-offender reimbursements.

The 24 new officers will provide security and supervision at the East Mesa and Kearny Mesa juvenile detention facilities, where the returning offenders will be housed, and will supervise offenders once they are released on probation.

The remaining funds will go toward a comprehensive program in which offenders meet with counselors to address problems brought on by substance abuse, work with therapists to overcome psychological issues, participate in vocational training and attend educational classes.

Offenders now in county custody, who already get six hours of schooling, receive one hour of rehabilitative treatment a day – far less than the eight hours a day of treatment the department is planning for YOU participants.

"What we want to have for these youths is a life plan," Sasaki-Madigan said.

William Hishaw worries that there is no such plan for his 16-year-old son, Nicholas. He was sentenced to the YOU program last month for strong-arm robbery, but his father said he has heard nothing about what programs Nicholas will be offered.

"These kids are just numbers and paperwork and not individuals," Hishaw said. "They've got to do something to help these kids get their lives going in the right direction."

Until then, prosecutors aren't taking any chances, said Deputy District Attorney Michele Linley, who heads the juvenile division of the District Attorney's Office.

Linley said that for now, some youths will be charged with crimes serious enough to land them in a state juvenile prison when they also could be charged with less-serious offenses.

"We are being tougher," Linley said.

Specter, whose prisoner-rights group spurred the state's transition, said that is a baffling approach.

"The idea behind the legislation is that the state wasn't doing an adequate job of dealing with the needs of these kids, and the county's answer is to send more kids to the state," he said. "That doesn't make sense."

Specter also called the county's plan to hire more officers "nothing more than keeping the status quo."

Meeting the challenge

The usual sentence to a state juvenile prison is four years, state prison officials said. Under the county's plans, the average sentence will be one year, with a range of nine to 16 months.

Once offenders are released from custody, they will be on probation for about 18 months, during which they will be supervised by armed probation officers.

Chief Probation Officer Mack Jenkins said it is the department's objective to keep the offenders in line once they are released.

"It is our mission to provide for the safety of the community," Jenkins said. "That's why we exist."

Probation officers will have smaller caseloads so they can maintain closer contact with the offenders, and the offenders will have to be working or in job training and be enrolled in other rehabilitation programs, Jenkins said.

"I don't want to underestimate the challenge here, but I want the community to understand the department is ready to meet the challenge," he said.

Sasaki-Madigan and other local officials argue that the new programs will lower recidivism rates and better prepare young offenders to return to their communities.

Yet a state corrections official warned otherwise in internal correspondence.

"The state is not optimistic about how well the offenders will do once they are released from custody," according to a memo from a California Department of Corrections and Rehabilitation official to San Diego probation officials.

"I would say you could expect half to violate at some time or another."

Even a Probation Department director said the county may be "setting ourselves up for failure" by believing the offenders won't be convicted of new felonies once they are free on probation, according to an internal departmental memo.

Reached for comment about her memo, Mechelle DeFraitess, who heads the department's gang-suppression unit, said it shouldn't be interpreted as a prediction of failure. DeFraitess said it is reasonable to expect that some offenders will commit more crimes, just as it is with any criminal on probation.

Two-thirds of the state's inmates from San Diego County were involved in gangs when sent away, according to the county.

City Heights activist Linda Pennington cringes at the thought that half of the offenders might commit more

crimes. Pennington said she hopes for the public's sake that the county's programs work.

"I want to see these young people succeed, but the safety of the public has to come first," Pennington said.

Craig Stover, director of the East Mesa Juvenile Detention Facility in Otay Mesa, was once one of the most vocal critics of the transition. But now Stover thinks it can work.

"The state says we've got to take them, so we're going to do the best we can," he said.

Stover acknowledged that it will be months before the department has an established regimen for the offenders, and even longer before officials can say whether the department's plan is working.

"Some of these kids will make it," he said. "Some of them won't."

■ Union-Tribune library researcher Merrie Monteagudo and staff research analyst Danielle Cervantes contributed to this report.

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Inmate profile

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Statistics regarding the San Diego County youths detained at state facilities convicted of all but the most violent crimes, who will be remanded to the custody of county authorities:

As of August, the state's most recent demographic data before the juvenile justice reform law went into effect Sept. 1.

GENDER | In custody

Male | 43

Female | 6

AGE

Age range | In custody

16-17 | 10

18-19 | 29

20-21 | 8

22-23 | 2

INMATES BY SEVERITY OF CRIMES COMMITTED

Juveniles convicted of Category I offenses – the most serious – will remain in state custody. Inmates with convictions in Categories II through VII will be returned to their home county for incarceration. Of that group, Category II crimes are the most violent; VII are the least violent.

Category | In custody

I | 0

II | 13

III | 5

IV | 8

V | 14

VI | 8

VII | 1

EACH JUVENILE'S MOST SERIOUS CRIME

Primary offense | In custody

Lewd/lascivious behavior with a child under 14 | 11

Burglary | 6

Assault with deadly weapon other than a gun | 4

Battery with serious bodily injury | 3

Carjacking | 3

Drug possession for sale | 2

Fleeing police | 2

Grand theft | 2

Assault on a police officer | 1

Attempted murder | 1

Danger to public | 1

Kidnapping | 1

Poisoning | 1

Other crimes included attempted carjacking; attempted robbery; vehicle theft; vandalism; weapons charges.

JUVENILE INMATES TO BE RETURNED

More than 900 inmates being held in state juvenile prisons will be returned to the custody of their home counties.

As of June, the state's most recent statewide data before the juvenile justice reform law went into effect Sept. 1.

TOP 10 COUNTIES

County | Total

Los Angeles | 161

Fresno | 66

San Bernardino | 66

San Diego | 50

Tulare | 49

Riverside | 44

Orange | 42

Kern | 41

Merced | 40

Sacramento | 40

JUVENILE INMATES PER 100,000 POPULATION*For the counties listed above***County | Inmates per 100,000**

Merced | 15.8

Tulare | 11.4

Fresno | 7.2

Kern | 5.1

San Bernardino | 3.2

Sacramento | 2.8

Riverside | 2.1

San Diego | 1.6

Los Angeles | 1.6

Orange | 1.4

SOURCES: California Department of Finance; California Department of Corrections and

Rehabilitation; San Diego County Probation Department

Data analysis by MERRIE MONTEAGUDO and DANIELLE CERVANTES / Union-Tribune

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